

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Maria L. Villajin,) No. CV08-0839 PHX-DGC (ECV)
10 Petitioner,) **ORDER**
11 v.)
12 Michael Mukasey,)
13 Respondent.)
14 _____)

15 Pending before the Court are Petitioner Maria L. Villajin’s petition for writ of habeas
16 corpus and United States Magistrate Judge Edward C. Voss’s Report and Recommendation
17 (“R&R”). Dkt. ##1, 26. The R&R recommends that the Court deny the petition because the
18 Court finds that Petitioner’s claim in ground two of ineffective assistance of counsel is
19 without merit. Dkt. #26 at 4. The Magistrate Judge advised the parties that they had ten days
20 to file objections to the R&R and that failure to file timely objections could be considered
21 a waiver of the right to obtain review of the R&R. *Id.* at 4-5 (citing 28 U.S.C. § 636(b)(1);
22 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

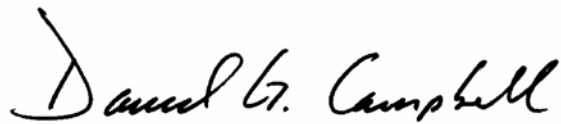
23 The parties did not file objections, which relieves the Court of its obligation to review
24 the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)
25 (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the
26 subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de
27 novo any part of the magistrate judge’s disposition that has been properly objected to.”). The
28 Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the

1 district court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may
3 accept, reject, or modify the recommended disposition; receive further evidence; or return
4 the matter to the magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Edward C. Voss’s R&R (Dkt. #26) is **accepted**.
7 2. Petitioner Maria L. Villajin’s petition for writ of habeas corpus (Dkt. #1) is
8 **denied**.
9 3. The Clerk of Court shall **terminate** this action.

10 DATED this 4th day of August, 2009.

11
12
13 

14

David G. Campbell
United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28